

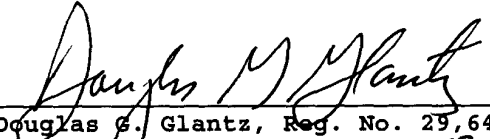


PATENT  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Applicant: W. M. Balaba et al. ) Examiner: Elizabeth M. Cole  
Serial No.: 09/755,778 ) Group Art Unit: 1771  
Filed: January 6, 2001 ) Atty. Docket: 223BAL  
For: Synthetic Wood )

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231 on December 19, 2002.

  
Douglas S. Glantz, Reg. No. 29,640  
Date of Signature: December 19, 2002

Assistant Commissioner for Patents  
Commissioner of Patents and Trademarks  
Washington, DC 20231

Sir:

**TERMINAL DISCLAIMER**

Your petitioner, Balaba Concrete Supply, Inc., represents and certifies that it is the true owner of the entire right, title, and interest of the subject matter of the above-identified application.

Your petitioner, Balaba Concrete Supply, Inc., further represents and certifies that it is the true owner of the entire right, title, and interest in and to the subject matter of U.S. Patent No. 6,228,199.

Serial No. 09/755,778  
Group Art Unit: 1771

Your petitioner, Balaba Concrete Supply, Inc., hereby disclaims the terminal part of any patent granted on U.S. Patent Application Serial No. 09/755,778 which would extend beyond the expiration date of U.S. Patent No. 6,228,199, and hereby agrees that any patent so granted on U.S. Patent Application Serial No. 09/755,778 shall be enforceable only for and during such period that the legal title to any patent to be issued on U.S. Patent Application Serial No. 09/755,778 shall be the same as the legal title to U.S. Patent No. 6,228,199, this agreement to run with any patent granted on U.S. Patent Application Serial No. 09/755,778 and to be binding upon the grantee, its successors, or assigns.

Your petitioner, Balaba Concrete Supply, Inc., does not disclaim any terminal part of any patent granted on U.S. Patent Application Serial No. 09/755,778 prior to seventeen (17) years from the issue date or twenty (20) years from the filing date of U.S. Patent No. 6,228,199, in the event that U.S. Patent No. 6,228,199 later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a); has all claims canceled by a reexamination certificate; or is otherwise terminated prior to the expiration of its statutory term as

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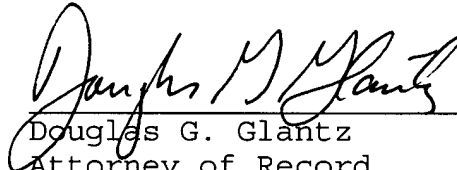
presently shortened by any terminal disclaimer, except for the  
separation of legal title stated above.

Respectfully submitted,

December 19, 2002

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Attorney of Record  
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SUBJECT DECISION ON TERMINAL DISCLAIMER INFORMAL FORM

DATE: 1.29.03

APPL. S.N.: \_\_\_\_\_

EXAMINER: \_\_\_\_\_

ART UNIT: 1771

PARALEGAL: BRIAN HARDEN

MAILROOM DATE: 12.26.02

AFTER FINAL: YES \_\_\_\_\_ NO X

NUMBER OF T.D.(S) FILED: 1

INSTRUCTIONS: I have reviewed the submitted T. D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next office action to notify applicant about the T. D. If you disagree any analysis or have questions at all about the acceptability of the T.D., please see our Special Program Examiner or me.

THIS MEMO IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE MAILED TO APPLICANT, NOR SHOULD A COPY BE LEFT IN FILE. WHEN YOUR OFFICE ACTION IS COMPLETED, YOU MUST INITIAL AND DATE & RETURN THIS TO PARALEGAL.

☒ The T. D. is PROPER and has been recorded. (See 14.23)

☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below. (See 14.24)

☐ The recording fee of \$ \_\_\_\_\_ has not been submitted nor is there any pre authorization in the application to charge to a deposit account. (See 14.25)

☐ Application Examiner has not processed fee for T. D.

☐ The T.D. does not satisfy Rule 321(b)(3) in that the person who has signed the T. D. has not stated his/her interest and the extent of the interest of the business entity represented by the signature in the application/patent. (See 14.26)

☐ The T. D. lacks the enforceable only during the common ownership clause needed to overcome a double patenting Rule 321(c). (See 14.27 and 14.27.1)

☐ T. D. is directed to a particular claim(s), which is not acceptable since the disclaimer must be of a terminal portion of the entire patent to be granted, MPEP 1490. (See 14.26 and 14.26.2)

☐ The person who signed the terminal disclaimer:

☐ has failed to state his/her capacity to sign for the business entity. (See 14.28)

☐ is not recognized as an officer of the assignee. (See 14.29.1)

☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the frame specified as to where such evidence is recorded in the office. 37CFR 3.73(b). (See 1140 O.G. 72) NOTE: This documentary evidence or the specifying of the reel and frame may be found in the T.D. or in a separate paper submitted by applicant. (See 14.30)

☐ No "STATEMENT" specifying that the evidentiary documents have been reviewed and that, to the best of the assignee knowledge and behalf the file is in the assignee seeking to take action 37 CFR 3.73(b). (See 1140 O.G. 72)

☐ The T. D. is not signed (See 14.26 and 14.26.3)

☐ Attorney is not of record in the oath/declaration or a separate paper filed appointing a new or associate attorney, nor is there a customer number.

☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting is missing or incorrect. (See 14.32)

☐ The serial number of this application (or the number of the patent in reexam or reissue case(s) being disclaimed is missing or incorrect. (See 14.26, 14.26.4 or 14.26.6)

☐ The period disclaimed is incorrect or not specified. (See 14.27, 14.27.2 or 14.27.3)

☐ Other \_\_\_\_\_